IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 16253 of 2006

Date of Decision: 13.10.2006

Lakhwinder Pal Singh

..Petitioner

Versus

State of Punjab.

..Respondent

CORAM: Hon'ble Mr. Justice J.S. Khehar
Hon'ble Mr. Justice S.D. Anand

Present : Mr. T.S. Dhindsa, Advocate,
for the petitioner.

J.S.Khehar, J. (Oral)

Through the instant writ petition, the petitioner has impugned the order of his transfer dated 29.9.2006 (Annexure P/8) which reveals, that the petitioner has been transferred from Tarn Taran to Dholblaha Dam, District Hoshiarpur. Learned counsel for the petitioner in order to impugn the validity of the order of transfer dated 29.9.2006 has invited our attention to the previous order dated 5.6.2006 (Annexure P/6) vide which the petitioner has been transferred from Taran Taran to Amritsar-II. It is, therefore, the contention of the learned counsel for the petitioner that since the petitioner by order dated 5.6.2006 has been transferred to Amritsar, the instant impugned order of transfer dated 29.9.2006 is clearly meaningless on account of the fact, that the petitioner, having been transferred to Amritsar, could not be deemed to have been reverted back to Tarn Taran before the cancellation of the earlier order dated 5.6.2006.

It is not important for us to examine the instant issue in the

perspective depicted during the course of hearing. Suffice it to say that the earlier order dated 5.6.2006 was impugned at the hands of one Joinder Pal Salwan, against whom the petitioner had been transferred from Tarn Taran to Amritsar-II. The aforesaid Joginder Pal Salwan had approached this Court by filing Civil Writ Petition No. 9416 of 2006, wherein the operation of the order dated 5.6.2006 was stayed by a Division Bench of this Court on 13.6.2006. An order of the aforesaid nature has been interpreted to mean that the order had never been passed at all. In the aforesaid sense of the matter, the instant issue raised by the petitioner is mere a technicality and can easily be overlooked in the facts and circumstances of the case.

For the reasons recorded above, it is not possible for us to accept the contention of the learned counsel for the petitioner.

Dismissed.

(J.S. Khehar)
Judge

October 13, 2006 (S.D. Anand)
vkd Judge